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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,849	07/24/2001	Nobuyuki Kobayashi	P21228	4815

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EXAMINER

SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,849

Applicant(s)

KOBAYASHI ET AL.

Examiner

Daniel R. Sellers

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Joshi, cited previously as pertinent non-cited art.
3. Joshi teaches a computer software security system that uses identification data in an external memory (Col. 3, lines 54-63 and Col. 4, lines 35-46). The internal memory also stores the identification data (Col. 5, lines 26-29). Joshi also teaches that a message is displayed when the two identification data's do not match (Col. 6, lines 39-64), wherein it is inherent that after a new external memory is mounted and checked the error message taught by Joshi will be displayed (Col. 6, lines 61-64).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1, 2, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka.
6. Regarding previously presented claim 1, see Tanaka,

A digital recording and reproducing apparatus which is capable of having a removable external memory mounted therein, for performing recording of recording data in the external memory and reproduction based on the recording data recorded in the external memory, the digital recording and reproducing apparatus comprising:

an identification data-generating block that generates identification data that identifies the external memory individually; (Col. 8, lines 21-30 and Col. 11, line 51 – Col. 12, line 10)
an internal memory in which the identification data can be recorded; and (Col. 8, lines 16-20).

Art Unit: 2644

a control block that records the identification data in the external memory and said internal memory, and carries out identification data determination processing that determines, when mounting of the external memory is detected, whether or not the identification data recorded in the external memory and the identification data recorded in said internal memory are identical to each other, (Col. 8, lines 31-62) and to display a message that notifies a different external memory has been mounted when the identification data are different from each other (Col. 16, lines 37-57).

Tanaka teaches these features in several different embodiments and combinations thereof (Col. 16, lines 2-12),. In a first embodiment Tanaka teaches a identification data-generating block and they also teach that an internal memory containing the identification is compared to the external memory's identification data for the purpose of copyright management. Tanaka teaches that the first embodiment can provide different ways to restrict the playback of audio or video, and it is inherent that a playback device has a display device, however the first embodiment does not teach the display of a message with these features. In a fourth embodiment, Tanaka teaches that an error message can be displayed when data does not match the expected data in a data field, which is separate from the CIS field (see Fig. 5). Similar to the first embodiment (Col. 8, lines 31-39), Tanaka teaches that the JD (judge means) also detects the differences between expected values and recorded values (Col. 18, lines 25-45). It would have been obvious at the time of the invention to have restricted the playback of audio with an error message for the purpose of providing visual feedback to the user.

7. Regarding claim 2, the further limitation of claim 1, see Tanaka,

.... wherein said control block records the identification data in both of the external memory and said internal memory before the recording data is recorded in the external memory. (Col. 7, lines 18-23).

Tanaka teaches this feature.

Art Unit: 2644

8. Regarding claim 5, the further limitation of claim 1, see the preceding argument with respect to claim 1. Tanaka teaches that the identification data-generating block generates random numerical data.

9. Regarding claim 8, the further limitation of claim 2, see the preceding argument with respect to claims 2 and 5. Tanaka teaches the features of claims 2 and 5.

10. Claims 3, 4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka as applied to claim 2 above, and further in view of Kubo, U.S. Patent No. 6,631,427.

11. Regarding claim 3, the further limitation of claim 2, see Tanaka,

... wherein said control block carries out the identification data determination processing when the external memory is mounted after having been removed during recording of the recording data in the external memory, said control block continuing to record the recording data in the mounted external memory when the identification data recorded in the external memory and the identification data recorded in said internal memory are identical to each other, and carrying out predetermined error-handling processing when the identification data recorded in the external memory and the identification data recorded in said internal memory are different from each other. (Col. 2, line 63 – Col. 3, line 2).

Tanaka teaches the predetermined error-handling in a memory system. Tanaka teaches that the identification data is compared to determine whether or not the data can be used. Tanaka does not teach the step of recording the data to the memory system. Kubo teaches the recording of digital data to a memory device (Col. 1, lines 41-53). Kubo teaches that the discriminating means decide whether or not recording can be done on the memory. It would have been obvious for one of ordinary skill in the art to combine the teachings of Tanaka and Kubo for the purpose of creating a protected removable data system.

Art Unit: 2644

12. Regarding claim 4, the further limitation of claim 2,

... wherein said control block causes the recording data to be recorded in said internal memory when the external memory is removed during recording of the recording data in the external memory, carries out the identification data determination processing when the external memory is mounted, and records the recording data recorded in said internal memory in the mounted external memory when the identification data recorded in the external memory and the identification data recorded in said internal memory are identical to each other.

Tanaka teaches the features of claim 2, and teaches the identification data determination processing when the external memory is mounted. Tanaka does not teach the recording of data to an internal memory. Kubo teaches that the recording process records to the internal memory when the external memory is removed during recording (Col. 1, lines 32-38 and lines 49-53). Kubo teaches that the recorded data in the internal memory is recorded to the external memory (Col. 6, lines 40-45).

13. Regarding claim 9, the further limitation of claim 3, see the preceding argument with respect to claims 3 and 5. The combination of Tanaka and Kubo teach these features.

14. Regarding claim 10, the further limitation of claim 4, see the preceding argument with respect to claims 4 and 5. The combination of Tanaka and Kubo teach these features.

15. Claims 6, 7, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka as applied to claims 1 and 5 above, and further in view of Pawlowski et al., U.S. Patent No. 6,038,199 (hereinafter Pawlowski).

16. Regarding claim 6, the further limitation of claim 1,

... wherein the recording data is sound data, and wherein the digital recording and reproducing apparatus includes a sound signal input block for inputting an analog sound signal, a sound data generation block for generating the sound data by converting the analog sound signal to digital data and compressing the

Art Unit: 2644

digital data, a sound signal generation block for decompressing the sound data recorded in the external memory to generate the digital data and converting the digital data to the analog sound signal, and an amplifier circuit for amplifying the converted analog sound signal to output the amplified sound signal.

Tanaka teaches the features of claim 1, however Tanaka does not teach the sound processing blocks as described by these limitations. Pawlowski teaches a portable digital audio recorder. The device has the sound signal input block (Fig. 3, unit 56), the sound data generation block, and the sound signal generation block (Fig. 3, units 52 and 54) for outputting an amplified signal (Fig. 3, unit 58) from an external memory (Fig. 3, unit 64). It would have been obvious for one of ordinary skill in the art to combine the teachings of Tanaka and Pawlowski for the purpose of creating protected audio works.

17. Regarding claim 7, the further limitation of claim 5, see the preceding argument with respect to claim 6. Tanaka teaches the features of claim 5, and therefore the combination of Tanaka and Pawlowski teach the features of claim 7.

18. Regarding claim 11, the further limitation of claim 2, see the preceding argument with respect to claims 2 and 6. The combination of Tanaka and Pawlowski teach these features.

19. Regarding claim 14, the further limitation of claim 8, see the preceding argument with respect to claims 6 and 8. The combination of Tanaka and Pawlowski teach these features.

20. Claims 12, 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tanaka and Kubo as applied to claim 3 above, and further in view of Pawlowski.

Art Unit: 2644

21. Regarding claim 12, the further limitation of claim 3, see the preceding argument with respect to claims 3 and 6. The combination of Tanaka and Kubo teach the features of claim 3, however they do not teach the sound processing blocks as described by these limitations. Pawlowski teaches a portable digital audio device with these features. It would have been obvious for one of ordinary skill in the art to combine the teachings of Pawlowski with the combination of Tanaka and Kubo for the purpose of creating protected audio works.

22. Regarding claim 13, the further limitation of claim 4, see the preceding argument with respect to claims 4 and 6. The combination of Tanaka, Kubo, and Pawlowski teach these features.

23. Regarding claim 15, the further limitation of claim 9, see the preceding argument with respect to claims 6 and 9. The combination of Tanaka, Kubo, and Pawlowski teach these features.

24. Regarding claim 16, the further limitation of claim 10, see the preceding argument with respect to claims 6 and 10. The combination of Tanaka, Kubo, and Pawlowski teach these features.

Response to Arguments

25. Applicant's arguments, see pages 9 -10, filed November 4, 2005, with respect to claims 1-16 have been fully considered and are persuasive. The 35 USC 102 rejection of claims 1, 2, 5, and 8 have been withdrawn.

Art Unit: 2644

26. Regarding claim 1, see the preceding rejection under 35 USC 103. The claimed features are described across several embodiments of Tanaka.

27. Regarding claim 2, see the preceding rejection under 35 USC 103. Tanaka teaches the feature of recording the identification data to the external and internal memories prior to recording data (Col. 7, lines 24-49, Col. 20, line 66 – Col. 21, line 34, and Figs. 14 and 14A, unit IIM).

28. Regarding claims 5, 8, and 9, see the preceding rejections under 35 USC 103. Tanaka teaches that the identification data is random (Col. 8, lines 21-30).

29. Regarding the remaining claims, claims 3, 4, 6, 7, and 10-16, see the preceding rejections under 35 USC 103.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS



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